No 86

DIVISIONAL FOREST OFFICE
Date 28-4-99
FORESTING PLANS PARTY II

DIVISIONAL FOREST OFFICE
SOUTHERN CIRCLE
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MEMORIALS AND PETITIONS.

1. When the result of a petition to Government is its rejection, the petitioner should be informed of the fact from the Secretariat instead of being referred to the Commissioner for an answer to his petition. (G. R. No. 1064, dated 13th March 1862.)

2. Malicious petitions cannot be kept secret from the person maligned, without risk of great injustice to him. They may be so couched as to do permanent and serious injury by the slander they convey, and unless they are communicated to the person slandered, all chance of discovering or exposing the slanderer is lost, while the slanderer soon learns whether the object of his attacks has or has not heard of them; and if he believes his proceedings remain secret, he is encouraged to proceed to further lengths in the same line.

In future, petitions of this kind will always be sent with a demi-official autograph note from the Secretary to Government. (G. L. No. 1731, dated 25th April 1865.)

3. When a specific charge with names and other details is stated in a petition against a Government servant, it is only fair to the party charged to make enquiry; even if the petition be merely read, it must make on the reader an unfavourable impression, and it is only just to take any steps which may tend to show the real truth or falsehood of the charge. (G. L. No. 86, dated 6th January 1866.)

4. Where petitioners are not conversant with the English language, they are bound to adopt measures to assure themselves that the petitions or memorials to Government in that language are couched in respectful and becoming terms. (G. R. No. 6297, dated 20th October 1877.)

5. Petitions to Government should be addressed either to the Governor in Council or to a Secretary to Government and not to a Member of Council personally. (G. Rs. Nos. 887, dated 19th February 1880, and 7908, dated 27th December 1881.)

6. (I.)—An address, the sole or principal object of which is to promote or oppose a measure of Imperial legislation, or one which bears immediately upon general questions of Imperial policy, may be submitted direct to the Governor General in Council.

(II.)—When the object of an address is to induce the Governor General to give his assent to, or to withhold his assent from, a law passed by a Provincial Legislature, it should be transmitted through the Local Government concerned.

(III.)—An address intended to obtain the reversal of an executive act, or one which bears directly upon the executive action of a Local Government, should be transmitted through the Local Government in respect of whose action complaint is made. This

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procedure should be followed in all cases in which the jurisdiction to be exercised by the Government of India is of an appellate character or necessarily involves a reference to the Local Government.

(IV.)—In the case of an address relating to a law passed by a Provincial Legislature, it will be convenient that a copy of the address should simultaneously be sent to the Governor General. In other cases it will be at the option of the writers to send direct to the Government of India duplicates of representations submitted to the Local Government.

Rule I must be read with, and be held to be subject to, Rule 14 of the Rules for the Conduct of the Legislative Business of the Council, which relates to Bills actually pending before the Council of the Governor General for making Laws and Regulations, and is as follows :—

> Communications on matters connected with any Bill before the Council may be addressed either in the form of a petition to the Governor General in Council, or in a letter to the Secretary, and must in either case be sent to the Secretary. Ordinarily such communications will not be answered.
>
> Except in the case of the High Court at Fort William, such communications from Courts, officials, or public bodies *shall ordinarily be sent through the Local Government.*

(G. I., H. D., Nos. 12-408-424, dated 16th March 1883, and 20-697-713, dated 21st May 1883; *vide* G. Rs. Nos. 1365, dated 4th April, and 2114, dated 8th June 1883.)

7. In supersession of the rules promulgated under Government Notification dated 26th March 1877, His Excellency the Governor in Council is pleased to publish for general information the following amended rules for the preparation and submission of petitions to Government :—

1. Except in the cases of parties whose rank may entitle them to correspond with Government through Vakils, petitions to Government made by or through agents will be left unnoticed.

2. Petitions will be received, either through the Post Office or in a box which will be affixed for the purpose outside the Secretariat door, and which will be opened daily (Sundays and public holidays excepted) by the Secretary, Separate Department, and the petitions distributed to the different Departments of the Secretariat. When sent through the Post Office, postage must be invariably paid.

3. Anonymous petitions will be disregarded.*

4. All petitions to Government should be written as concisely as the nature of the case admits of. If they are found to be unnecessarily prolix, or to be couched in unintelligible, exagger-

* The Secretaries to Government may file or destroy anonymous petitions at their discretion : *vide* G. R., G. D., No. 2394, dated 11th July 1893.

ated or disrespectful terms, they will be returned for amendment to the parties submitting them.

Petitions of appeal preferred by parties to civil and political suits should invariably be submitted in English. Petitions on other matters may be either in English or in any of the vernacular languages of this Presidency. Those written in any of the vernacular languages, when not accompanied by English translations, will be rendered into the latter language by the Oriental Translator to Government before being placed before His Excellency the Governor in Council; but manuscript petitions in the Modi character in which the words are not properly separated, and the sentences punctuated wherever necessary by means of the marks shown in the margin, will be returned to the senders to be redrafted.

Full stop	|
Mark of interrogation.	||

5. Petitions will not be received by Government regarding any matters which form the subject of judicial proceedings in the Courts, or which properly fall within the jurisdiction of the Courts; nor will Government receive petitions containing complaints relating to the administration of civil or criminal justice, under circumstances which leave other modes of obtaining redress open under the regulations.

6. The mode and channels through which all ranks of the Military Service should make known any complaint or grievance to superior authority are clearly laid down by the Regulations of the Service, and are in no respect affected by these rules.

7. Applications for situations in the gift of local or controlling authorities, or for admission into the public service, will remain unnoticed by Government.

8. Any persons having cause of complaint against the proceedings of any officer of Government, Civil or Military, is, in the first instance, to seek redress from that officer's immediate superior, who, if he declines compliance, is to give the petitioner a written endorsement, or order, setting forth the grounds upon which the request is refused. If the petitioner is dissatisfied with this order, he is at liberty to address the chief local authority, and eventually the superior Civil or Military authority, by whom the chief local officer is controlled, or, in the event of there being no such intermediate controlling authority, the Government.

9. The preceding rule is not to be interpreted as precluding chief local or controlling authorities from using their discretion regarding the presentation, direct to themselves, of applications and complaints which have not been previously submitted to officers subordinate to them.

10. The Government, however, will not receive a petition on any matter, unless it shall appear

that the petitioner has already applied to the chief local authority; and, where such exists, to the controlling authority. The petitions to the chief local and to the controlling authorities, or copies of them, and the answers to, or orders upon those petitions, in original, must be annexed to all petitions addressed to Government. Petitions by telegraph will in most cases violate this rule and will not generally be answered or attended to.

11. Petitions to Government from persons in the service of Government relating to any matter affecting their official position will not be entertained unless forwarded through their official superiors.

12. The Government, after passing a final order on appeal made to them, will not notice a second petition on the same subject unless new matter requiring especial consideration be introduced.

13. When a petition is to be returned as not being drawn up or presented in conformity to the preceding rules, it will be endorsed with a memorandum specifically pointing out which of the rules has been infringed.

14. The foregoing general Regulations for petitions are applicable in the Military Department to the following classes :—

1st.—Persons not in the public service residing within the limits of Military Bázárs; Camp Followers.

2nd.—Contractors for Military supplies.

3rd.—Military Pensioners.

4th.—Persons having claims on Government in any Military Department, either on their own account or on account of services rendered to the State by deceased relatives.

(G. Ns., F. D., Nos. 316, dated 27th January 1885, 200, dated 27th January 1886, and 1063, dated 14th April 1886.)

8. Whenever any petitions submitted to Government through the Commissioners are found to be couched in disrespectful terms they may be returned by them for amendment to the parties submitting them under the operation of Rule 4 of the Petition Rules published in Government Notification, Financial Department, No. 316, dated 27th February 1885, as amended by Government Notification No. 200, dated 27th January 1886. (G. R. No. 8063, dated 23rd October 1889.)

9. All original papers accompanying petitions should be returned by the Oriental Translator to Government to the writers when communicating to them the orders passed by Government on such petitions. (G. R. No. 6700, dated 18th August 1885.)

10. Copies of the following letter from the Government of India, Home Department No. 298, dated 26th February 1886, were forwarded to all departments of the Secretariat for information with refer-

ence to the interpretation placed on *Rule XII (3) of the Rules relating to the transmission of memorials to the Home Authorities :—

"I am directed to acknowledge the receipt of your letter No. 367, dated the 11th instant, forwarding a list of memorials to the address of Her Majesty's Secretary of State which had been withheld by the Bombay Government during the quarter ending 31st December 1885, under the discretionary power conferred on Local Governments by Rule XII, Clause 3, of the Rules relating to the Transmission of Memorials to the Home Authorities. The particular memorials thus withheld were presented by certain officers of the Forest Department who sought for a reconsideration of the decision of the Secretary of State declining to extend to them the benefits of the improved pension rules sanctioned for certain officers in the Public Works and Telegraph Departments.

"2. In reply I am to say that the particular clause in the Memorial Rules under which these memorials have been withheld has not been hitherto interpreted by the Government of India in the sense attached to it by the Bombay Government, and that the Honourable the President in Council does not think that the memorials in question should be withheld inasmuch as they are not understood to be 'second' memorials within the meaning of that clause. In any case, however, as the Government of India has under consideration the question of the transmission to the Secretary of State of similar memorials received from Forest officers serving under other Governments, it would be convenient if the memorials were forwarded to this office. I am accordingly to request that, with the permission of His Excellency the Governor in Council, this may now be done in accordance with Rule IV of the Memorial Rules."

(G. R. No. 852, F. D., dated 25th March 1886.)

11. The decision of the Government of Bombay is final under the Hereditary Offices Act III of 1874, and memorials addressed to the Government of India appealing against such decisions may be withheld in accordance with the discretionary power vested in Local Governments under clause 8, Rule 3 of Section III of the rules regarding the submission of memorials to the Government of India published under Home Department Notification† No. 1812, dated 11th October 1889. The orders of the Government of India contained in their letter ‡No. 631-R-

† Republished under G. Notn. No. 4521, dated 16th October 1889.

* XII.—Governments and Administrations in India are vested with discretionary power to withhold the transmission of memorials addressed to Her Majesty or to the Secretary of State in the following cases;

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(3).—When a second memorial is presented after a decision has already been given by the authority to which it is addressed, and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to Her Majesty by a person whose appeal to the Secretary of State has already been rejected, shall be held to be a second memorial to the same authority and shall not be transmitted.

‡ Extract from the letter from the Government of India, No. $\frac{631\text{-R}}{3\text{-}275}$, dated 15th September 1885. (G. R. No. 8075, dated 26th October 1885) :—

"The Government of India has carefully considered the suggestion made in the last paragraph of your letter, that in cases in which appeals are preferred against the decision of the Local Government upholding in review the orders of the Collector

3-275, dated 15th September 1885, requiring all such cases to be submitted to that Government are no longer in force so far as they are inconsistent with the rules of 1889. (G. I., R. & A. No. 478 R-2-2, dated 30th January 1890; *vide* G. R. No. 1341, dated 19th February 1890.)

12. The Bombay Government may under Rule XII (6) of the rules for the submission of memorials to Her Majesty the Queen-Empress of India or to the Secretary of State for India published in Home Department Notification No. 707, dated 29th March 1878, withhold memorials addressed to the Secretary of State which are merely appeals against decisions passed by it under the Bombay Hereditary Offices Act III of 1874. (G. I., R. & A., No. 2187-206, dated 27th September 1892; *vide* G. R. No. 8962, dated 14th November 1892.)

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passed in accordance with the Bombay Hereditary Offices Act of 1874, His Excellency the Governor in Council should be empowered to withhold such appeals. A somewhat similar suggestion was made in your letter No. 4780, dated the 22nd July 1882, in reply to which the wish of the Government of India was expressed that the existing principle requiring all memorials addressed to the Government of India to be transmitted by the Local Government should be maintained. The Government of India is still of opinion that the observance of this rule is desirable. This decision has been adopted, not because any necessity for interference is contemplated, but because if the Local Government declines to transmit a memorial, the applicant may not improbably submit it directly to the Supreme Government, which then would have to deal with it without the advantage of such remarks as to its admissibility or otherwise as might have been made by the Local Government.

"I am to take this opportunity of stating, for the information of His Excellency in Council, that in accordance with what is believed to be the existing practice, if memorials addressed to the Government of India are mere appeals against judicial decisions of the ordinary Civil Courts or of executive authorities exercising their powers of such Courts, they need not be sent on; but if they contain other matter, such as complaints or remarks upon the conduct of the Courts concerned, or on the working of any particular law, they should not be withheld. These orders do not apply to such appeals against judicial decisions in criminal cases as are practically appeals for mercy or pardon. Appeals of this nature should invariably be transmitted."